



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/474,324	06/07/95	YOSHIOKA	S 35.C5745-CIP

KNAPP, J EXAMINER

C2M1/0826

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ART UNIT PAPER NUMBER

3202

DATE MAILED: 08/26/96

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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire THREE month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 133, 138-140 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims 1-132, 134-137, 141-155 have been cancelled.

3. Claims _____ are allowed.

4. Claims 133, 138-140 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on 6/7/95. Under 37 C.F.R. 1.84 these drawings are acceptable not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. 07/218, 203; filed on 7/13/88.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

COPIES HAVE

EXAMINER'S ACTION

Art Unit: 3202

1. Claims 133, 138-140 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 133, 138-140 are vague, indefinite, and not understood. In those claims it is not clear from the claim language which portion is to comprise the emitter portion in a device produced by such a method.

2. Claims 133, 138-140 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

Kishimoto (U.S. 4,093,562) (abstract; columns 3 and 4) teaches forming a secondary-electron-emissive layer comprised of fine particles and an insulating material but does not teach or suggest forming the electrode system needed to form an electron-emitting device.

3. The examiner suggests that applicants narrow the scope of the claims to include only the production of a surface-conduction-electron-emitting device. Such a change would preclude the use of art to the manufacture of secondary electron multiplier tubes or to the manufacture of cathodes for CRT's from being applied against the instant claims.

4. The following other references are cited as material: Nomura et al and Suzuki et al. (neither of which qualifies as prior art); and Klopfer et al.

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5. Any inquiry concerning this communication should be directed to Jeff Knapp at telephone number (703) 308-0667.

JJK

Knapp/tnt

August 9, 1996

P. Austin Bradley
P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
GROUP 3200